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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 001132

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TAGS: [PGOV](#) [PHUM](#) [MV](#)

SUBJECT: MALDIVES: REFORMS MOVING IN RIGHT DIRECTION,  
ALBEIT SLOWLY

Classified By: AMBASSADOR JEFFREY J. LUNSTEAD FOR REASONS 1.4 (b) and (d)

¶1. (SBU) Summary: The Ambassador visited Male' July 6 to pay farewell calls on President Gayoom, Maldivian government officials, and the Chairman of the opposition, currently under house arrest. All interlocutors focused on a possible referendum on presidential versus parliamentary forms of government, the potential for dialogue between the government and the opposition, and the pace of the reform process. While democratization is moving slowly, it is proceeding in the right direction and may receive a boost if moderates in the government and opposition continue to maintain dialogue. End summary.

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PRESIDENCY VS. PARLIAMENT:  
REFERENDUM?  
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¶2. (SBU) On July 6 the Ambassador visited Male' to pay separate farewell calls on President Maumoon Abdul Gayoom, Defense Minister Ismail Shafeeu, Attorney General Hassan Saeed, Minister of State for Foreign Affairs Abdullah Shahid, Minister of Information and Arts Mohamed Nasheed, and opposition Maldivian Democratic Party (MDP) Chairperson, also named Mohamed Nasheed (nicknamed Anni), currently under house arrest.

¶3. (C) All interlocutors focused on the surprising June 18 parliamentary decision to hold a national referendum on a presidential versus parliamentary system of government. A Maldivian government employee who is an independent Member of Parliament (MP) suggested the referendum, which was approved by only two votes. Attorney General (AG) Saeed said only 3 cabinet ministers favored the referendum while other government supporters sought to agree on a single system before opening the discussion to the populace. Defense Minister Shafeeu lamented, "You can't go back to the people with the job you are supposed to do!" However, all of the ministers noted it was very difficult to publicly vote against such a populist measure. Shafeeu said that the only two presidentially-appointed MPs who voted in favor of the referendum said they "didn't want it to look too ugly"

with all of the President's supporters opposing the measure.

14. (C) President Gayoom also expressed some reservations about the referendum, noting that the parliamentary decision was vague in calling for the government to educate the public as to the pros and cons of either system. He also said that his DRP (Maldivian People's Party) had held extensive discussions and concluded that a presidential system would provide the most stability. The President's comments echoed Shafeeu's assertion that most government officials supported an executive presidency with a legislative parliament acting as a "watchdog" to provide checks and balances. Shafeeu expressed concern that anti-incumbency sentiment could influence the results of a vote on the system of government, while AG Saeed said, "If the government is smart," it will include a number of questions within the referendum in order to elicit desired results.

15. (C) With each speaker, the Ambassador noted the difficulties of a referendum and the possibility of skewed results depending on how the question is framed. Government officials agreed, adding that the proposed referendum will delay the reform agenda. The Ambassador asked whether a solution could be found in which the question could be narrowed, perhaps with prior parliamentary discussions and an endorsement of one system. The ministers were unsure but hoped that was a possibility.

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POTENTIAL FOR CROSS-PARTY DIALOGUE  
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16. (C) All interlocutors also addressed the possibility of dialogue between the government and the opposition Maldivian Democratic Party (MDP). Foreign Minister Ahmed Shaheed and other officials met with MDP representatives at the British High Commissioner's residence in Colombo June 24. (Note: We have heard that a second round of direct talks is tentatively scheduled for September in Colombo, this time perhaps facilitated by the EC Ambassador. End Note) President Gayoom noted that such "unofficial" talks could lead to formal dialogue, which would benefit the reform agenda. Defense Minister Shafeeu stated that the detention of MDP chairperson Anni and human rights activist Jennifer Latheef should not act as impediments to discussions, adding, "In a dialogue, the government would make concessions." Information Minister Nasheed said it would be important to look for a way to "save Anni" while permitting both sides some political cover.

17. (C) AG Saeed said he sought cooperation with the MDP, especially on the legislative agenda. He said he was holding discussions with government and MDP MPs to garner broad support for a new penal code, drafted by American law professor Paul Robinson with funding from the UN, which had been introduced to parliament at the end of June. Saeed was hopeful the code, which incorporates elements of Shari'a with human rights protections and modern rule of law principles, could pass without being mired in committee. Saeed also said he has encouraged the MDP to couch its requests to the government in terms of international best practices, so "we can justify it to our hard-liners."

18. (C) MDP Chairman Anni, accompanied by MDP vice-president and former SAARC Secretary-General Ibrahim Hussain Zaki, and MDP MP Hassan Afeef, was predictably less enthusiastic about dialogue between the two parties in his discussions with the Ambassador. The

MDP representatives claimed that most of the reform legislation in parliament sought to codify current poor practices, with the penal code as the only positive exception. Anni noted that the MDP had to "hit hard" in order to carve out a space for freedom of expression, and he feared that if he held public discussions with the government, he would lose his constituency's confidence. Nevertheless, in a July 5 meeting with poloff, MDP MPs Mohamed Didi and Mohamed Shihab indicated that informal cross-party talks could lead to broad agreement and a speedy parliamentary "rubber stamp" of effective legislation, and perhaps eventually lead to consensus on a new constitution.

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REFORMS MOVE FORWARD, BUT SLOWLY  
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¶9. (C) President Gayoom said, "We've been very genuine in our work toward ushering in modern democracy," adding, "the prospects are good." The AG and Information Minister both cited some examples of progress. Saeed said the Maldives Human Rights Commission should soon be codified under legislation commensurate with the "Paris Principles", and noted that former Chair Ahmed Mujthaba had made overtures to return to his post. Saeed added that he was also seeking to establish a police integrity commission. Nasheed noted that his Ministry had accepted the recommendations of the international media advocacy NGO "Article 19" in improving press freedom legislation, and also said he was looking to offer opportunities for private radio and television stations within 3 months.

¶10. (C) Nevertheless, Defense Minister Shafeeu said the reform process "is dragging on much more slowly than we had hoped." The improvements the AG and Information Minister discussed have been under way for over six months with no concrete results as yet. The Judicial Services Commission, formed in November 2005

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in order to strengthen judicial independence, is still determining its rules of procedure and has not yet taken up case work, according to the AG. MDP representatives expressed frustration at the slow pace of reform, noting a number of their supporters are still in detention after a spate of arrests for "unlawful assembly" at the end of May.

¶11. (C) In his meeting with President Gayoom, Ambassador emphasized (as he did in all other meetings) our support for the reform process. He said that we believed change was inevitable in Maldives, and if the President worked to make it positive, he would leave a new open political system as his enduring legacy to the country to match the tremendous economic progress that Maldives had made over the last 25 years. Gayoom thanked the Ambassador and the US Government for its support of this process.

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COMMENT  
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¶12. (C) Comment: Regardless of the manner in which the referendum on the system of government proceeds, it seems clear that substantive discussion on reform is taking place within parliament, within political party circles, and perhaps most importantly, between the government and the MDP. While legislative deadlock and clashes between the opposition and the government have slowed the pace of reforms to date, the current level of informal communication between the two sides is a positive sign. Broad agreement on the new penal code could pave the way for moderates on

both sides to continue working together to further  
entrench the reform agenda. End comment.  
LUNSTEAD